IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

TUESDAY, THE 14TH AUGUST 2007 / 23RD SRAVANA 1929

WP(C).No. 22814 of 2007(N)

PETITIONER:

S.JAYACHANDRAN, MANAGER, SHANMUKHA
VILASAM HIGHER SECONDARY SCHOOL,
(S.V.H.S.S) CLAPPANA P.O., KARUNAGAPPALLY.

BY ADV. SRI.A.N.RAJAN BABU
SMT.K.SUNITHA VINOD

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY THE SECRETARY HOME DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE SUPERINTENDENT OF POLICE, KOLLAM.

3. THE DEPUTY SUPERINTENDENT OF POLICE, KARUNAGAPPALLY.

4. THE CIRCLE INSPECTOR OF POLICE, KARUNAGAPPALLY.

5. THE SUB INSPECTOR OF POLICE, OACHIRA.

6. SURESH, S/O.KUNJU PANICKER, PANDAKASSALA THARAYIL CLAPPANA NORTH, KARUNAGAPPALLY.

7. AJIL KUMAR.A., ANIL BHAVANATHU, CLAPPANA, SOUTH KARUNAGAPPALLY.

8. CHANTHU, S/O.JAYACHANDRAN, PIZHASSERIL
PARYAR SOUTH CLAPPANA, KARUNAGAPPALLY.

9. MAJEED, SECRETARY, C.P.I. (M)
(LOCAL COMMITTEE CLAPPANA, RESIDING AT
ERAVIMANGALATHU VEEDU, CLAPPANA NORTH,
KARUNAGAPPALLY.

10. K.SIDHARTHAN, PANDAKASALA THARA,
CLAPPANA, KARUNAGAPPALLY.

BY ADV. SRI.P.B.SURESH KUMAR
SRI. P.A. SALIM, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF BYE-LAW OF THE SCHOOL.

EXT.P2: TRUE COPY OF JUDGMENT IN W.P.(C) NO. 33871/05 DATED 20.12.2006 HIGH COURT OF KERALA.

EXT.P3: TRUE COPY OF JUDGMENT IN O.S. NO. 354/05 MUNSIFF'S COURT, KARUNAGAPPALLY.

EXT.P4: TRUE COPY OF ORDER OF D.E.O KOLLAM DATED 25.05.2007.

EXT.P5: TRUE COPY OF REPORT IN KERALA KAUMUDI DAILY DATED 14.07.2007.

EXT.P6: TRUE COPY OF REPORT PUBLISHED IN MATHRUBHOOMI DAILY DATED 14.07.2007.

EXT.P7: TRUE COPY OF REPORT PUBLISHED IN MALAYALA MANORAMA.

EXT.P8: TRUE COPY OF COMPLAINT FILED BY PETITIONER BEFORE 3RD RESPONDENT DATED 13.07.2007.

EXT.P8a: TRUE COPY OF COMPLAINT FILED BY S. JAYACHANDRAN COMMITTEE MEMBER TO THE S.I. OF POLICE DATED 13.07.2007.

EXT.P9: TRUE COPY OF COMPLAINT FILED BY HEADMISTRESS BEFORE THE 5TH RESPONDENT DATED 13.07.2007.

EXT.P10: TRUE COPY OF COMPLAINT FILED BY PRINCIPAL S.V.H.S.S ON 13.07.2007 BEFORE 5TH RESPONDENT DATED 13.07.2007.

EXT.P11: TRUE COPY OF COMPLAINT FILED BY PETITIONER BEFORE 2ND RESPONDENT.

EXT.P12: TRUE COPY OF COMPLAINT FILED BY ABHILASH A MEMBER OF THE MANAGING COMMITTEE BEFORE 5TH RESPONDENT.

EXT.P13: TRUE COPY OF FIR IN CRIME NO. 276/2007 DATED 13.07.2007 OF OCHIRA POLICE STATION.

RESPONDENT'S EXHIBITS:

EXT.R7(a): TRUE COPY OF THE ORDER OF APPOINTMENT OF THE PETITIONER DATED 21.12.2005.

EXT.R7(b): TRUE COPY OF ORDER PASSED BY THE SECOND RESPONDENT DATED 19.07.2005.

EXT.R7(c): TRUE COPY OF G.O(RT) NO. 5581/05 DATED 30.11.2005.

EXT.R7(d): TRUE COPY OF THE ORDER ISSUED BY A.R.UNNIKRISHNAN, DATED 04.07.2007.

EXT.R7(e): TRUE COPY OF THE ORDER PASSED BY THIS HONOURABLE COURT IN W.P.(C) NO.21437/2007 DATED 01.08.2007

/True Copy/

P.A to Judge.

K. BALAKRISHNAN NAIR & HARUN-UL-RASHID,JJ

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W.P.(C). NO. 22814 OF 2007

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Dated this the 14th day of August, 2007.

JUDGMENT

Balakrishnan Nair,J

The petitioner is the manager of a Higher Secondary School. He has approached this Court seeking police protection to run the school and to remove the obstruction caused by respondents 6 to 10 against the smooth functioning of the school. The 7th respondent has filed a counter affidavit stating that he was an employee of the school. His appointment was approved by the competent authority also. But when the present incumbent in the post of manager took charge, he terminated him from service without following the due procedure. Therefore, he challenged that order before this Court and this Court has granted interim order against the said termination as is evident from Ext.R7(e). In view of the interim order he is now working in the school, it is submitted. The learned Government Pleader upon instructions submits that there is no situation warranting police protection, still the police is doing patrolling in the area in connection with

another incident in the locality. .

2. The petitioner disputes the claim of the 7th respondent that he has been terminated without following the due procedure. The said dispute is not the subject matter of the writ petition.

3. In view of the above position and also the above interim order, no further orders are required in this writ petition. If any obstruction is there, the petitioner shall alert respondents 4 and 5. In that event they shall render sufficient protection to ensure the peaceful running of the school.

The writ petition is disposed of accordingly.

K. BALAKRISHNAN NAIR, JUDGE.

HARUN-UL-RASHID,JUDGE.

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